

Tuesday, July 15, 2025 at 4:23:53 PM Eastern Daylight Time

Subject: RE: Briefing schedule for summary judgment
Date: Friday, July 11, 2025 at 5:03:22 PM Eastern Daylight Time
From: Berns-Zieve, Eli
To: Jamie Solano
CC: Berman, Amanda, Kimberly Blasey, Chris Muha, Justin Dillon
Attachments: image001.jpg

Jamie,

We intend to present our streamlined, 4-brief schedule to the Court. We nevertheless are willing to compromise on dates for an alternative, six-brief schedule as follows:

- Monday, September 15 – opening briefs
- Friday, October 24 – response briefs
- Monday, November 10th – reply briefs

Best,

Eli

Eli Berns-Zieve

Crowell & Moring LLP
eburns-zieve@crowell.com
+1.202.688.3436 direct

From: Jamie Solano <jsolano@dynamislip.com>
Sent: Friday, July 11, 2025 3:24 PM
To: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>
Cc: Berman, Amanda <ABerman@crowell.com>; Kimberly Blasey <kblasey@dillonpllc.com>; Chris Muha <cmuha@dillonpllc.com>; Justin Dillon <jdillon@dillonpllc.com>
Subject: Re: Briefing schedule for summary judgment

Eli- please let us know your position on the below today.

Thanks,

Jamie

Jamie Solano

Partner



200 Connell Drive

Berkeley Heights, New Jersey 07922

11 Park Place
New York, New York 10007

Mobile: (214) 454-8829

Work: (973) 295-5495

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From: Jamie Solano <jsolano@dynamisllp.com>

Date: Thursday, July 10, 2025 at 11:56 AM

To: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>

Cc: Berman, Amanda <ABerman@crowell.com>, Kimberly Blasey
<kblasey@dillonpllc.com>, Chris Muha <cmuha@dillonpllc.com>, Justin Dillon
<jdillon@dillonpllc.com>

Subject: Re: Briefing schedule for summary judgment

Eli,

We are happy to accommodate your August vacations, but your proposed schedule still puts us into the holidays. Please let us know if you can live with the following:

- Monday, September 15 – opening briefs
- Monday, October 20 – response briefs
- Monday, November 3rd – reply briefs

Thanks,

Jamie

Jamie Solano

Partner



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From: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>

Date: Thursday, July 10, 2025 at 8:33 AM

To: Jamie Solano <jsolano@dynamisllp.com>

Cc: Berman, Amanda <ABerman@crowell.com>, Kimberly Blasey
<kblasey@dillonpllc.com>, Chris Muha <cmuha@dillonpllc.com>, Justin Dillon
<jdillon@dillonpllc.com>

Subject: RE: Briefing schedule for summary judgment

Jamie –

Our proposal is an attempt to reduce the overall burden on the parties and the court, not delay the case. We do plan to move for summary judgment, but your client bears the burden of showing that there is sufficient evidence to sustain his one remaining claim at this stage, so it makes sense for you to go first, and us to file a combined cross-motion and response. Otherwise, each side's opening and response briefs are likely to be at least somewhat overlapping and redundant. And while we would certainly request the opportunity to file a reply in support of our cross-motion, our proposal would mean the court only has to read 4 briefs instead of 6, which we think it might appreciate. This is not an uncommon approach to summary judgment briefing. Sorry you found it confusing.

If you don't want to streamline briefing in this way, that is fine; the parties can each file their own letter proposals, and we can present this option to the court and see what it prefers. We are happy to go with a 3-brief-per-side option if that is what the court chooses, but will propose the following dates to accommodate planned OOO in August and that one of our core team is on family leave until late this month:

- Monday, September 15 – opening briefs
- Wednesday, October 29 – response briefs
- Wednesday, November 19 – reply briefs

Finally, we don't think it makes sense to propose trial dates now. If the remaining claim survives the Rule 56 stage, I'm sure the court will let us know when it has availability to try the case or ask for proposed dates at that time.

Best,

Eli

Eli Berns-Zieve

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From: Jamie Solano <jsolano@dynamislip.com>**Sent:** Wednesday, July 9, 2025 7:28 PM**To:** Berns-Zieve, Eli <EBerns-Zieve@crowell.com>; Berman, Amanda <ABerman@crowell.com>; Chris Muha <cmuha@dillonpllc.com>; Justin Dillon <jdillon@dillonpllc.com>**Cc:** Kimberly Blasey <kblasey@dillonpllc.com>**Subject:** Re: Briefing schedule for summary judgment**Exercise caution with links and attachments**

You may not have corresponded with this sender before. Exercise caution when engaging with this email.

Hi Eli,

I'm sorry, but I'm not sure I understand the proposal below. If Princeton thinks there is an appropriate basis for you guys to move for summary judgment after the very extended discovery period caused by your unsuccessful attempt to stop Jane Roe's deposition, I'm sure you can be in a position to submit that brief in August (or, if you have vacations, early September) and do not need the next three months to prepare for it. If I remember correctly, we are talking about a single-count case that both you and Amanda have lived with for quite some time. Your client has refused to settle, so this has been on your radar for many months. And the Local Rules of this District already contemplate the sort of cross-motion situation you are proposing below, but when a party wants to do that, they forgo the opportunity to have a reply brief as of right. I'm not sure why you would need to see our summary judgment brief before deciding whether it would be appropriate for Princeton to move for the same relief, and it looks like you are most certainly going to file your own motion for summary judgment regardless of what we file.

We are happy to accommodate vacation schedules given that we are in the middle of summer, which is why we reached out to you. But we cannot agree to the below, which looks like yet another attempt to unreasonably delay this case into the holidays.

Please let us know by tomorrow morning if you or Amanda (or the applicable attorney working for your client) have vacation schedules you would like us to accommodate in August or September in lines of a more appropriate briefing schedule.

Please also let us know if either of you have court conflicts in early 2026 that would conflict with a trial date.

Thanks,

Jamie

Jamie Solano

Partner



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From: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>

Date: Wednesday, July 9, 2025 at 5:38 PM

To: Berman, Amanda <ABerman@crowell.com>, Chris Muha <cmuha@dillonpllc.com>, Justin Dillon <jdillon@dillonpllc.com>

Cc: Kimberly Blasey <kblasey@dillonpllc.com>, Jamie Solano <jsolano@dynamisllp.com>

Subject: RE: Briefing schedule for summary judgment

Chris, Justin,

After discussing, we think it makes sense to propose a staggered briefing schedule, so that each party drafts two briefs. This should minimize duplication and prove more efficient both for the parties and the Court. We propose the following:

- Plaintiff's opening brief: Thursday, August 28th.
- Princeton's opening brief ISO MSJ/opposition to Plaintiff's MSJ: Wednesday, October 15th.
- Plaintiff's opposition to Princeton's MSJ/Reply ISO MSJ: Friday, November 14th.
- Princeton's Reply ISO MSJ: Friday, December 5th.

Please let us know your thoughts.

Best,

Eli

Eli Berns-Zieve

Crowell & Moring LLP

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From: Berman, Amanda <ABerman@crowell.com>

Sent: Tuesday, July 8, 2025 11:48 AM

To: Chris Muha <cmuha@dillonpllc.com>; Justin Dillon <jdillon@dillonpllc.com>

Cc: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>; Kimberly Blasey <kblasey@dillonpllc.com>; Jamie Solano <JSolano@dynamislip.com>

Subject: RE: Briefing schedule for summary judgment

Chris –

My client POC is OOO through today; we have a call scheduled to discuss tomorrow afternoon. I should be able to respond with a proposal late tomorrow, and we can get something into the court (agreed or otherwise) by Friday.

Best,

Amanda Shafer Berman

Pronouns: she/her/hers

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aberman@crowell.com

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From: Chris Muha <cmuha@dillonpllc.com>

Sent: Tuesday, July 8, 2025 10:30 AM

To: Justin Dillon <jdillon@dillonpllc.com>; Berman, Amanda <ABerman@crowell.com>

Cc: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>; Kimberly Blasey <kblasey@dillonpllc.com>; Jamie Solano <JSolano@dynamislip.com>

Subject: Re: Briefing schedule for summary judgment

Hi Amanda, I'm writing to check in on this. Have you conferred with Princeton?

Thanks,

Chris

Chris Muha

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cmuha@dillonpllc.com

From: Justin Dillon <jdillon@dillonpllc.com>

Date: Wednesday, July 2, 2025 at 4:54 PM

To: "Berman, Amanda" <ABerman@crowell.com>

Cc: Eli Berns-Zieve <EBerns-Zieve@crowell.com>, Chris Muha <cmuha@dillonpllc.com>, Kimberly Blasey <kblasey@dillonpllc.com>, Jamie Solano <JSolano@dynamislpc.com>

Subject: Re: Briefing schedule for summary judgment

Thanks, Amanda. That sounds good, and enjoy the holiday weekend.

Justin

Justin Dillon

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jdillon@dillonpllc.com

On Jul 2, 2025, at 4:17 PM, Berman, Amanda <ABerman@crowell.com> wrote:

Justin –

We agree that SJ briefing is next up, and that the court's order anticipates that the judge will set a schedule rather than having the local rules 30-day-default apply. We also agree that it would be ideal if the parties could agree on a schedule. Re what that briefing schedule looks like, we are consulting with our client and will get back to you as soon as we can, likely early next week given the 4th of July holiday and our client's schedule.

Best,

Amanda Shafer Berman

Pronouns: she/her/hers
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From: Justin Dillon <jdillon@dillonpllc.com>
Sent: Wednesday, July 2, 2025 12:18 PM
To: Berman, Amanda <ABerman@crowell.com>
Cc: Berns-Zieve, Eli <EBerns-Zieve@crowell.com>; Chris Muha <cmuha@dillonpllc.com>;
Kimberly Blasey <kblasey@dillonpllc.com>; Jamie Solano <JSolano@dynamislpc.com>
Subject: Briefing schedule for summary judgment

Amanda,

Given that Courtney's deposition was the only outstanding item of discovery, we believe this means that discovery has now closed. The local rules say that any dispositive motion must be filed within 30 days of the close of discovery, but the judge's scheduling order says that they "shall be filed by **a date to be determined**" (emphasis in original). We assume his order trumps the local rule but would obviously like to clarify that quickly.

We intend to move for summary judgment and assume you do as well. To that end, we would like to see if we can agree on a briefing schedule to propose to the court. (If we can't agree, we can each just do letters to the court.) Please let us know what you think of this:

- Opening briefs: Thursday, August 28th. (We assume people might want to travel on the Friday before Labor Day Weekend.)
- Response briefs: Friday, September 26th.
- Reply briefs: Friday, October 10th.

As always, we are happy to get on a call to discuss this if you'd like to do that.

Thanks,

Justin

Justin Dillon

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